

Application No.: 10/523,157

Office Action dated: July 26, 2006

Response to Office Action dated: October 26, 2006

REMARKS

This Amendment and Response is submitted in reply to the Office Action dated July 26, 2006, in which the Examiner:

rejected claims 2 and 7 under 35 U.S.C. § 112, second paragraph, as indefinite;

rejected claims 1 and 2 under 35 U.S.C. § 102(b) as anticipated by Great Britain Patent No. 427,383 to Constantine;

rejected claims 1, 2, 4, 5 and 7 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 2,616,113 to Scinta;

rejected claims 1, 2 and 4-7 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,976,001 to Wright;

rejected claim 3 under 35 U.S.C. § 103(a) as unpatentable over Wright; and

provisionally rejected claims 1, 3 and 4 on the basis of obviousness-type double patenting over claim 2 of U.S. Application No. 10/548,301.

Applicant respectfully traverses the claim rejections below. Claims 1-7 are currently pending. The current Amendment amends claims 1, 2 and 7, and adds new claims 8 and 9, leaving claims 1-9 pending upon entrance of the current Amendment. Claim 1 is the only independent claim.

Claim 2 was rejected under 35 U.S.C. § 112, second paragraph, as indefinite on the basis of a claim recitation lacking proper antecedent basis. Applicant respectfully submits that all recitations of the amended claim 2 have the proper antecedent basis. Accordingly, Applicant respectfully requests that the rejection of claim 2 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claim 7 was rejected under 35 U.S.C. § 112, second paragraph, based on apparent inconsistency between dependent claim 7 and independent claim 1. Applicant respectfully submits that the relationship between all the recitations of independent claim 1 and the amended claim 7 is clear.

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Accordingly, Applicant respectfully requests that the rejection of claim 7 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claim 1 was rejected under 35 U.S.C. § 102(b) as anticipated by Constantine. An anticipation rejection under 35 U.S.C. § 102 is improper unless a single prior art reference shows or discloses each and every claim recitation.

Applicant's amended claim 1 recites, in part, a wiper blade comprising a holder piece assembly including a plurality of holder pieces for holding the blade rubber and an elastic member for connecting the holder pieces to each other in the longitudinal direction, the elastic member being provided in each of the holder pieces.

Constantine does not show or disclose each and every claim 1 recitation. For instance, Constantine does not show or disclose an elastic member for connecting the holder pieces *to each other*, or that an elastic member is provided *in* each of the holder pieces. Instead, Constantine discloses that each section a2 (as shown in Constantine, Fig. 3) is "...pivoted to the spring steel backing member a1." (Constantine, lines 99-101.) Thus, the backing member a1 neither connects the sections a2 *to each other*, nor is the spring steel backing member provided *in* each of the sections a2.

Therefore, Constantine does not show or disclose each and every recitation of Applicant's claim 1. Accordingly, Applicant respectfully submits that the rejection of claim 1 under 35 U.S.C. § 102(b) as anticipated by Constantine is improper for at least this reason, and should be withdrawn.

Claim 2 was also rejected under 35 U.S.C. § 102(b) as anticipated by Constantine. Claim 2 depends directly from claim 1 and includes additional recitations thereto. Accordingly, Applicant respectfully submits that the rejection of claim 2 under 35 U.S.C. § 102(b) as anticipated by Constantine is improper for at least the same reasons stated in connection with claim 1, and should be withdrawn.

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Claim 1 was rejected under 35 U.S.C. § 102(b) as anticipated by Scinta. An anticipation rejection under 35 U.S.C. § 102 is improper unless a single prior art reference shows or discloses each and every claim recitation.

Applicant's amended claim 1 recites, in part, a wiper blade comprising a holder piece assembly including a plurality of holder pieces for holding the blade rubber and an elastic member for connecting the holder pieces to each other in the longitudinal direction, the elastic member being provided in each of the holder pieces.

Scinta does not show or disclose each and every claim 1 recitation. For instance, Scinta does not show or disclose an elastic member for connecting the holder pieces *to each other*, or that an elastic member is provided *in each of the holder pieces*. Instead, Scinta discloses that backing members 8 and 9 are connected to each other *by a hollow housing 10*. (See, e.g., Scinta, Fig. 2; col. 2, lines 3-12.) Regarding auxiliary springs 12, Scinta discloses:

These auxiliary springs are arranged *within the housings 10*, each having its outer end bearing *upon the terminal section 9 outwardly beyond its pivot 11*. (Scinta, col. 2, lines 18-21; emphasis added.)

And also:

...the flat spring may be bowed and have its opposite end finding support *upon the intermediate section 8 inwardly of its pivot 11*.... (Scinta, col. 2, lines 25-27; emphasis added.)

Thus, the housing 10, and *not* auxiliary springs 12, connects the backing members 8 and 9 *to each other*. Additionally, the auxiliary springs 12 bear *upon* the backing members 8 and 9, and are *not* provided *in* them.

Therefore, Scinta does not show or disclose each and every recitation of Applicant's claim 1. Accordingly, Applicant respectfully submits that the rejection of claim 1 under 35 U.S.C. § 102(b) as anticipated by Scinta is improper for at least this reason, and should be withdrawn.

Claims 2, 4, 5 and 7 were also rejected under 35 U.S.C. § 102(b) as anticipated by Scinta. These claims depend, directly or indirectly, from claim 1 and include additional recitations thereto. Accordingly, Applicant respectfully submits that the rejection of claims 2, 4, 5 and 7 under 35 U.S.C. § 102(b) as anticipated by Scinta is improper for at least the same reasons stated in connection with claim 1, and should be withdrawn.

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Claim 1 was rejected under 35 U.S.C. § 102(b) as anticipated by Wright. An anticipation rejection under 35 U.S.C. § 102 is improper unless a single prior art reference shows or discloses each and every claim recitation.

Applicant's amended claim 1 recites, in part, a wiper blade comprising a holder piece assembly including a plurality of holder pieces for holding the blade rubber and an elastic member for connecting the holder pieces to each other in the longitudinal direction, the elastic member being provided in each of the holder pieces.

Wright does not show or disclose each and every claim 1 recitation. For instance, Wright does not show or disclose an elastic member for connecting the holder pieces *to each other*. Instead, Wright discloses that a "...flexible elongate spine 13 is formed of two identical molded parts 14...." (Wright, col. 4, lines 42-43; see Figs. 1 and 2.) Wright further discloses that:

...the spine part is castellated longitudinally on one side to provide pairs of opposed abutment faces 76 being the side walls of the grooves 20 extending upwardly.... (Wright, col. 4, line 66 – col. 5, line 1.)

Thus, this castellated structure of each spine part (insofar as it shows or discloses a plurality of holder pieces) is a unitary structure formed by grooves in a molded part 14, and is *not* connected by an elastic member.

Wright also does not show or disclose that an elastic member is provided *in* each of the holder pieces. Instead, Wright discloses various embodiments of a resilient biasing means are "...interposed *between* the pairs of opposed abutment faces 76...." (Wright, col. 6, lines 6-8; see also, Figure 24, element 65; Figure 25, element 67; col. 10, lines 21-30, 45-51.) Thus, Wright's various resilient biasing means are *not* provided *in* the spine 13.

Therefore, Wright does not show or disclose each and every recitation of Applicant's claim 1. Accordingly, Applicant respectfully submits that the rejection of claim 1 under 35 U.S.C. § 102(b) as anticipated by Wright is improper for at least this reason, and should be withdrawn.

Claims 2 and 4-7 were also rejected under 35 U.S.C. § 102(b) as anticipated by Wright. These claims depend, directly or indirectly, from claim 1 and include additional recitations thereto. Accordingly, Applicant respectfully submits that the rejection of claims 2 and 4-7 under 35 U.S.C. §

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102(b) as anticipated by Wright is improper for at least the same reasons stated in connection with claim 1, and should be withdrawn.

Claim 3 was rejected under 35 U.S.C. § 103(a) as unpatentable over Wright. A rejection under 35 U.S.C. § 103 is improper unless the Examiner establishes a *prima facie* case of obviousness. A *prima facie* case of obviousness is not established unless the prior art references, alone or in combination, teach or suggest each and every claim recitation.

Applicant's claim 3 depends directly from claim 1 and includes additional recitations thereto. Wright does not teach or suggest each and every recitation of Applicant's claim 1. For instance, Wright does not teach or suggest an elastic member for connecting the holder pieces *to each other*, or that an elastic member is provided *in* each of the holder pieces. Instead, Wright teaches interposing a resilient biasing means between abutment faces formed by grooves in a molded spine, as discussed above.

Therefore, Wright does not teach or suggest each and every recitation of Applicant's claim 1. Accordingly, Applicant respectfully submits that the rejection of dependent claim 3 under 35 U.S.C. § 103(a) as unpatentable over Wright is improper for at least this reason, and should be withdrawn.

Claims 1, 3 and 4 were provisionally rejected on the basis of obviousness-type double patenting (ODP) over claim 2 of U.S. Application No. 10/548,301. As this ODP rejection is provisional (claims in neither the current application nor the '301 application having been allowed), Applicant declines to substantively traverse the ODP rejection in the current application at this time.

Applicant notes, however, that the current application was filed earlier than the '301 application. Accordingly, in the event that the ODP rejection is the only remaining rejection in the current application, Applicant respectfully submits that the ODP rejection in the current application should be withdrawn, and the current application allowed to issue. See MPEP 804.I.B.1.

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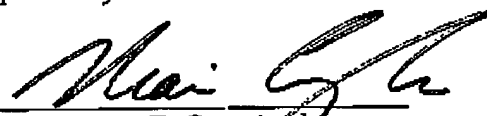
Having traversed each and every claim rejection, Applicant respectfully requests that the rejections of claims 1-7 be withdrawn, and claims 1-9 be passed to issue.

Applicant submits that nothing in the current Amendment constitutes new matter. Amendments to claim 1 are supported by at least Figure 3 and paragraph [0028] of the Specification. Amendments to claims 2 and 7 addressed formal matters in response to the Examiner's indefiniteness rejections. New claims 8 and 9 are supported by at least Figures 4A-C and paragraphs [0030] and [0031] of the Specification.

Applicant believes no fees are due in connection with this Amendment and Response. If any fees are deemed necessary, authorization is hereby granted to charge any such fees to Deposit Account No. 13-0235.

Respectfully submitted,

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